



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB1724

Introduced 2/17/2021, by Rep. William Davis

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-60

Amends the Illinois Procurement Code. Provides that the Procurement Policy Board may object to a proposed extension or renewal of a contract within 14 (currently, 30) calendar days and require a hearing before the Board prior to entering into the extension or renewal. Provides that if the Procurement Policy Board does not object within 14 (currently, 30) calendar days or take affirmative action to recommend the extension or renewal, the chief procurement officer may enter into the extension or renewal of a contract.

LRB102 13872 RJF 19223 b

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Section 20-60 as follows:

6 (30 ILCS 500/20-60)

7 Sec. 20-60. Duration of contracts.

8 (a) Maximum duration. A contract may be entered into for  
9 any period of time deemed to be in the best interests of the  
10 State but not exceeding 10 years inclusive, beginning January  
11 1, 2010, of proposed contract renewals. Third parties may  
12 lease State-owned dark fiber networks for any period of time  
13 deemed to be in the best interest of the State, but not  
14 exceeding 20 years. The length of a lease for real property or  
15 capital improvements shall be in accordance with the  
16 provisions of Section 40-25. The length of energy conservation  
17 program contracts or energy savings contracts or leases shall  
18 be in accordance with the provisions of Section 25-45. A  
19 contract for bond or mortgage insurance awarded by the  
20 Illinois Housing Development Authority, however, may be  
21 entered into for any period of time less than or equal to the  
22 maximum period of time that the subject bond or mortgage may  
23 remain outstanding.

1           (b) Subject to appropriation. All contracts made or  
2 entered into shall recite that they are subject to termination  
3 and cancellation in any year for which the General Assembly  
4 fails to make an appropriation to make payments under the  
5 terms of the contract.

6           (c) The chief procurement officer shall file a proposed  
7 extension or renewal of a contract with the Procurement Policy  
8 Board prior to entering into any extension or renewal if the  
9 cost associated with the extension or renewal exceeds  
10 \$249,999. The Procurement Policy Board may object to the  
11 proposed extension or renewal within 14 ~~30~~ calendar days and  
12 require a hearing before the Board prior to entering into the  
13 extension or renewal. If the Procurement Policy Board does not  
14 object within 14 ~~30~~ calendar days or takes affirmative action  
15 to recommend the extension or renewal, the chief procurement  
16 officer may enter into the extension or renewal of a contract.  
17 This subsection does not apply to any emergency procurement,  
18 any procurement under Article 40, or any procurement exempted  
19 by Section 1-10(b) of this Code. If any State agency contract  
20 is paid for in whole or in part with federal-aid funds, grants,  
21 or loans and the provisions of this subsection would result in  
22 the loss of those federal-aid funds, grants, or loans, then  
23 the contract is exempt from the provisions of this subsection  
24 in order to remain eligible for those federal-aid funds,  
25 grants, or loans, and the State agency shall file notice of  
26 this exemption with the Procurement Policy Board prior to

1 entering into the proposed extension or renewal. Nothing in  
2 this subsection permits a chief procurement officer to enter  
3 into an extension or renewal in violation of subsection (a).  
4 By August 1 each year, the Procurement Policy Board shall file  
5 a report with the General Assembly identifying for the  
6 previous fiscal year (i) the proposed extensions or renewals  
7 that were filed with the Board and whether the Board objected  
8 and (ii) the contracts exempt from this subsection.

9 (d) Notwithstanding the provisions of subsection (a) of  
10 this Section, the Department of Innovation and Technology may  
11 enter into leases for dark fiber networks for any period of  
12 time deemed to be in the best interests of the State but not  
13 exceeding 20 years inclusive. The Department of Innovation and  
14 Technology may lease dark fiber networks from third parties  
15 only for the primary purpose of providing services (i) to the  
16 offices of Governor, Lieutenant Governor, Attorney General,  
17 Secretary of State, Comptroller, or Treasurer and State  
18 agencies, as defined under Section 5-15 of the Civil  
19 Administrative Code of Illinois or (ii) for anchor  
20 institutions, as defined in Section 7 of the Illinois Century  
21 Network Act. Dark fiber network lease contracts shall be  
22 subject to all other provisions of this Code and any  
23 applicable rules or requirements, including, but not limited  
24 to, publication of lease solicitations, use of standard State  
25 contracting terms and conditions, and approval of vendor  
26 certifications and financial disclosures.

1           (e) As used in this Section, "dark fiber network" means a  
2 network of fiber optic cables laid but currently unused by a  
3 third party that the third party is leasing for use as network  
4 infrastructure.

5           (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18;  
6 101-81, eff. 7-12-19.)